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13 Attorneys for Defendants
UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,

Case No. 3:17-cv-00939-WHA

19 Plaintiff,

DEFENDANTS' NOTICE OF
WITHDRAWAL OF MOTION FOR
SUMMARY JUDGMENT OF
NON-INFRINGEMENT

20 v.

Date: June 7, 2017

Time: 8:00 a.m.

Ctrm: 8, 19th Floor

Judge: The Honorable William Alsup

21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,

23 Defendants.

24 Trial Date: October 2, 2017

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1 On May 2, 2017, Defendants Uber Technologies, Inc., Ottomotto LLC, and Otto
 2 Trucking LLC (“Defendants”) filed a Motion for Summary Judgment of Non-Infringement
 3 (“Motion”). In view of the Court’s rule on summary judgment motions stated during the hearing
 4 on May 3, Defendants withdrew the portions of their Motion directed to the Spider design
 5 (“Notice of Partial Withdrawal”) on May 12. (Dkt. 430.)

6 On May 17, Waymo LLC (“Waymo”) filed its opposition to Defendants’ Motion,¹ in
 7 which Waymo expressly represented “that Waymo will not be asserting patent claims from the
 8 ’922, ’464 or ’273 patent against the Fuji.” (Dkt. 449.) Based on such representation by Waymo,
 9 Defendants hereby withdraw the entirety of their Motion.

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Dated: May 18, 2017

MORRISON & FOERSTER LLP

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By: /s/Michael A. Jacobs
MICHAEL A. JACOBS

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Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

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¹ In its opposition, Waymo mischaracterizes Defendants’ Notice of Partial Withdrawal by arguing that “Defendants do not dispute [that Spider] uses a common lens to transmit and receive light.” (Dkt. 449.) Contrary to Waymo’s suggestion, Defendants have not made any concessions or admissions regarding whether a completed Spider design would have infringed U.S. Patent Nos. 8,836,922, 9,285,464 and 9,086,273, and reserve their right to move for summary judgment of non-infringement as to the Spider design at a later time.